

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/605,812	CHALMER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jennifer N. To	2195	

All participants (applicant, applicant's representative, PTO personnel):

(1) Jennifer N. To. (3) \_\_\_\_\_

(2) Donald W. Muirhead. (4) \_\_\_\_\_

Date of Interview: 30 July 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1, 9, 18 and 26.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant agreed to amend the claims accordance to examiner amendment by faxing the amended claims to examiner.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**MENG-AL T. AN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the above-referenced application.

**Listing of Claims:**

1. (Previously Presented) A method of switching during run time from a first scheduler to a second scheduler for a multitasking system for a processor, comprising:  
choosing the second scheduler from a plurality of schedulers, wherein at least one of the plurality of schedulers selects processes to be run from a plurality of runnable processes different from the plurality of schedulers and wherein choosing the second scheduler is based on parameters that vary according to run time conditions;  
setting, during a context switch operation, a program counter to an address corresponding to code of the second scheduler; and  
the processor executing code of the second scheduler at an address corresponding to the program counter.
2. (Previously Presented) A method, according to claim 1, further comprising:  
setting a stack pointer to an address corresponding to stack space for the second scheduler; and  
the processor using the stack space at the stack pointer after executing code at the address corresponding to the program counter.
3. (Original) A method, according to claim 1, wherein all of the schedulers use the same stack.

4. (Cancelled)

5. (Previously Presented) A method, according to claim 1, wherein at least one of the schedulers is for statistical code profiling.

6. (Previously Presented) A method, according to claim 1, wherein the first scheduler is for start up conditions and the second scheduler is for steady state operation.

7. (Previously Presented) A method, according to claim 1, wherein choosing the second scheduler is performed by setting up a return from an exception that causes the scheduler to execute.

8. (Previously Presented) A method, according to claim 1, wherein setting a program counter includes modifying a variable that is modified according to the second scheduler.

9. (Currently Amended) A method of scheduling tasks in a multitasking operating system, comprising:
- using a first scheduler to schedule tasks;
  - choosing a second scheduler from a plurality of schedulers, wherein at least one of the plurality of schedulers selects processes to be run from a plurality of runnable processes different from the plurality of schedulers and wherein choosing the second scheduler is based on parameters that vary according to run time conditions; and
  - switching, during run time, from using the first scheduler to schedule tasks to using the second scheduler to schedule tasks, wherein switching to using the second scheduler includes setting a program counter to an address corresponding to code of the second scheduler.
10. (Previously Presented) A method, according to claim 9, wherein choosing the second scheduler is performed by setting up a return from an exception that causes the second scheduler to execute.
11. (Cancelled)
12. (Currently Amended) A method, according to claim [[1]]9, wherein setting a program counter includes modifying a variable that is modified according to the second scheduler.

13. (Previously Presented) A method, according to claim 9, further comprising:  
setting a stack pointer to an address corresponding to stack space for the second scheduler; and  
the processor using the stack space at the stack pointer after executing code at the address corresponding to the program counter.
14. (Original) A method, according to claim 9, wherein all of the schedulers use the same stack.
15. (Cancelled)
16. (Previously Presented) A method, according to claim 9, wherein at least one of the schedulers is for statistical code profiling.
17. (Previously Presented) A method, according to claim 9, wherein the first scheduler is for start up conditions and the second scheduler is for steady state operation.

18. (Previously Presented) Computer software in combination with a computer readable medium that switches, during run time, from a first scheduler to a second scheduler for a multitasking system for a processor, comprising:
- executable code, provided on a computer readable medium, that chooses the second scheduler from a plurality of schedulers, wherein at least one of the plurality of schedulers selects processes to be run from a plurality of runnable processes different from the plurality of schedulers and wherein executable code that chooses the second scheduler uses parameters that vary according to run time conditions;
  - executable code, provided on a computer readable medium, that sets a program counter to an address corresponding to code of the second scheduler; and
  - executable code, provided on a computer readable medium, that causes the processor to execute code at an address corresponding to the program counter.
19. (Previously Presented) Computer software, according to claim 18, further comprising:
- executable code, provided on a computer readable medium, that sets a stack pointer to an address corresponding to stack space for the second scheduler; and
  - executable code, provided on a computer readable medium, that causes the processor to use the stack space at the stack pointer after executing code at the address corresponding to the program counter.
20. (Previously Presented) Computer software, according to claim 18, wherein all of the schedulers use the same stack.

21. (Cancelled)
22. (Previously Presented) Computer software, according to claim 18, wherein at least one of the schedulers is for statistical code profiling.
23. (Previously Presented) Computer software, according to claim 18, wherein the first scheduler is for start up conditions and the second scheduler is for steady state operation.
24. (Previously Presented) Computer software, according to claim 18, wherein executable code that causes the processor to execute code at an address sets up a return from an exception that causes the second scheduler to execute.
25. (Previously Presented) Computer software, according to claim 18, wherein executable code that sets a program counter modifies a variable according to the second scheduler.



26. (Currently Amended) Computer software in combination with a computer readable medium that schedules tasks in a multitasking operating system, comprising:
- executable code, provided on a computer readable medium, that uses a first scheduler to schedule tasks;
  - executable code, provided on a computer readable medium, that chooses a second scheduler from a plurality of schedulers, wherein at least one of the plurality of schedulers selects processes to be run from a plurality of runnable processes different from the plurality of schedulers and wherein executable code that chooses the second scheduler uses parameters that vary according to run time conditions; and
  - executable code, provided on a computer readable medium, that switches, during run time, from using the first scheduler to schedule tasks to using the second scheduler to schedule tasks, wherein executable code that switches to using the second scheduler sets a program counter to an address corresponding to code of the second scheduler.
27. (Previously Presented) Computer software, according to claim 26, wherein executable code that chooses the second scheduler sets up a return from an exception that causes the scheduler to execute.
28. (Cancelled)
29. (Currently Amended) Computer software, according to claim [[28]]26, wherein setting a program counter includes modifying a variable that is modified according to the second scheduler.

30. (Previously Presented) Computer software, according to claim 26, further comprising:
  - executable code, provided on a computer readable medium, that sets a stack pointer to an address corresponding to stack space for the second scheduler; and
  - executable code, provided on a computer readable medium, that causes the processor to use the stack space at the stack pointer after executing code at the address corresponding to the program counter.
31. (Previously Presented) Computer software, according to claim 26, wherein all of the schedulers use the same stack.
32. (Cancelled)
33. (Previously Presented) Computer software, according to claim 26, wherein at least one of the schedulers is for statistical code profiling.
34. (Previously Presented) Computer software, according to claim 26, wherein the first scheduler is for start up conditions and the second scheduler is for steady state operation.

**REMARKS**

Applicants thank Examiner To for the courtesies extended in connection with those conversations. As discussed, the claims have been placed in condition for allowance by amending claim 9 and 26 to include the features of claims 11 and 28, respectively, cancelling claims 11 and 28, and amending claims 12 and 29 to depend from claims 9 and 26, respectively.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,  
MUIRHEAD AND SATURNELLI, LLC



Donald W. Muirhead  
Reg. No. 33,978

Date: August 6, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven R. CHALMER, et al.  
Appl. No.: 09/605,812  
Filed: June 28, 2000  
For: REPLACEMENT  
SCHEDULING ALGORITHM  
IN MULTITASKING KERNEL

Examiner: To, Jennifer N.  
Art Unit: 2195  
Atty. Docket: EMS-00801

Certificate of Mailing

I hereby certify that the foregoing document is being sent via facsimile (571-273-7212) to  
Commissioner for Patents in Alexandria, VA 22313-1450 on August 6, 2007.

  
Bony Rogers

RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being provided in connection with a telephonic interview with Examiner  
To on July 30, 2007 and August 3, 2007.

Amendments to Claims are reflected beginning on page 2 of this paper.

Remarks begin on page 10 of this paper.

It is not believed that extensions of time or fees for net addition of claims are  
required, beyond those which may otherwise be provided for in documents accompanying  
this paper. However, in the event that additional extensions of time are necessary, then such  
extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required  
for consideration of this paper (including fees for net addition of claims) are authorized to be  
charged in two originally-executed copies of a Response Transmittal Letter filed herewith.

**MUIRHEAD AND SATURNELLI, LLC**

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**FACSIMILE TRANSMISSION SHEET**

RECIPIENT	COMPANY	FAX NO.
Examiner Jennifer N. To	U.S. Patent and Trademark Office	571-273-7212

FROM	DATE	TOTAL NUMBER OF PAGES INCLUDING THIS PAGE
Donald W. Muirhead	August 6, 2007	13

**Comments:**

Re: U. S Patent Application No. 09/605,812  
Our Ref. EMS-00801

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AMENDMENT TRANSMITTAL LETTER				Docket Number EWS-00801	
Application Number 09605812	Filing Date June 28, 2000	Examiner TO, Jennifer N.	Group Art Unit 2195		
Invention Title <b>REPLACEABLE SCHEDULING ALGORITHM IN MULTITASKING KERNEL</b>					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application, including: <input checked="" type="checkbox"/> Response <input checked="" type="checkbox"/> Amendment Transmittal (in duplicate)					
<b>CLAIMS AS AMENDED</b>					
	(1)	(2)	(3)		
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	28	Minus 34	0	x \$ 50	\$
INDEPENDENT CLAIMS	4	Minus 4	0	x \$200	\$
MULTIPLE DEPENDENT CLAIM ADDED				\$360	\$
				TOTAL	\$
				SMALL ENTITY TOTAL	\$
<p>If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.</p> <p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.            ** If the highest number previously paid for in THIS SPACE is less than 20, enter "20."            *** If the highest number previously paid for in THIS SPACE is less than 3, enter "3."            The "highest number previously paid for" (total or independent) is the highest number found in the appropriate box in column 1.</p> <p><input type="checkbox"/> Please charge Deposit Account Number 503596 in the amount of \$ _____. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> Please charge \$ _____ to our credit card. Attached is PTO Form 2038.</p> <p><input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> Please credit any overpayment and/or charge any additional filing fees required under 37 CFR §§ 1.16 and 1.17 to our Deposit Account Number 503596.</p>					

*[Signature]*  
 Donald W. Muirhead, Reg. No. 33, 878  
 August 6, 2007  
 Date

I hereby certify that this correspondence is being sent via facsimile (571-273-7212) to: Commissioner for Patents, Alexandria, VA 22313-1450 on August 6, 2007.

*[Signature]*  
 Bonny Rogers

No. 3510 P. 2

Muirhead and Saturnelli, LLC Aug. 6. 2007 12:37PM